

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

United States of America	§	
	§	
vs.	§	NO: DR:08-M -07141(1)
	§	
(1) Hector Tomas Barajas	§	

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 USC 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

I. Findings of Fact

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that there is probable cause to believe that the Defendant committed the offense alleged in the Complaint violation **21:841 Possession of Marijuana with Intent to Distribute**, for which a sentence of not less than five but not more than forty years is prescribed.

Defendant signed a Waiver of the Preliminary Hearing stipulating to probable cause in the complaint and requested a Detention Hearing held with Bianca Del Rio representing the defendant with Ben Seal representing the Government. Defendant has two prior encounters with Agents having been stopped with 415 lbs on March of 2007 and with 349 lbs on June of 2007 but he was seventeen years old. Defendant was not prosecuted in federal court and it appears not prosecuted in state court. Now that Defendant is eighteen he was arrested with 171.0 kilos of marijuana. Defendant is a U.S. citizen but has been residing in Mexico.

Based on the evidence presented, the pre-trial services report, unstable residence in the United States, and prior transporting involvement, the Court finds by clear and convincing evidence that Defendant poses a risk of flight and thus serious danger to the community. Additionally, the Court concludes no condition or combination of conditions will either reasonably assure the appearance of the

Defendant as required or that he will not endanger the safety of the community.

II. Directions Regarding Detention

The Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Signed on 2nd day of June, 2008

VICTOR ROBERTO GARCIA
U.S. MAGISTRATE JUDGE

A handwritten signature in black ink, appearing to read "V.R. Garcia", is written below the printed name and title.